

REMARKS

Claims 1-28 are pending in the application. Applicant amends independent claims 1, 9, 13, 22, and 26 in this Response.

In paragraphs 1 and 2 of the Office Action, the Examiner rejects claims 1-28 under 35 USC §102(e) as being anticipated by US patent no. 6,725,061 (“Hutchison”). The applicant respectfully submits that the device of Hutchison does not anticipate the amended claims, and instead is similar to the prior art device discussed in paragraph 9 (“P9”) of the specification. As described in P9, systems in the prior art utilize a digital interface between the telephone and the accessory for exchange of voice data and for the upload of accessory data from the telephone to the accessory. In a similar manner, the Hutchinson device uses a portion of a PCM (pulse code modulation) port as a data line between an external accessory to the wireless communications device. *See*, Hutchinson, Abstract lines 4-10. As more fully described in P9, such an arrangement has several drawbacks, and does not enable the desirable features of the claimed invention.

To further clarify the claimed invention, the applicant amends claim 1 to expressly recited that the accessory comprises “a memory configured to store predefined control data”, and that the processor is configured to “use the control data to operate the accessory”. *See*, Specification, paragraphs 14 and 15. As more fully described in the specification, control data is any data that aids, guides, assists, or controls interaction or operation between the accessory and the wireless communication device, and may take the form of software code, patches, updates, or instructions, for example. *See*, the Specification, paragraph 23. In operation, the control data stored in the accessory may be used by the wireless device to operate the accessory.

In contrast, Hutchinson does not disclose or suggest an accessory having a memory configured to store predefined control data. Instead, Hutchison has an output data memory 118 (see Fig. 1) to store information such as user programmable volume levels, menus, titles, labels, and alert information. *See*, Hutchinson, col. 3, lns. 41-48. In another example, external power information for the Hutchinson accessory is stored in memory 116 or 118 of the wireless device. *See*, Hutchinson, col. 6, lns. 23-29. In Hutchinson, the data transmitted from the accessory to the wireless communications device consists of Vocoder data (audio or fax data) and an accessory device ID. *See*,

Hutchinson, col. 6, lns. 30-51. Hutchinson does not disclose or suggest a memory in the accessory for storing predefined control data, and does not disclose the structure or process to use such control data to operate the accessory. Since Hutchinson fails to disclose all limitations recited in claim 1, applicant respectfully submits that claim 1 and its dependent claims can not be anticipated by Hutchinson.

Applicant amends claim 9 to include “a memory configured to store predefined control data”, and to expressly recite that the “control data is transferable to the communication device”. For the reasons presented in the discussion of claim 1 above, the applicant respectfully submits that Hutchinson fails to disclose all limitations recited in claim 9, therefore claim 9 and its dependent claims can not be anticipated by Hutchinson.

Applicant amends claim 13 to include the steps of “storing predefined control data in the accessory”, and “transferring the control data to the communications device”. For the reasons presented in the discussion of claim 1 above, the applicant respectfully submits that Hutchinson fails to disclose all limitations recited in claim 13, therefore claim 13 and its dependent claims can not be anticipated by Hutchinson.

Applicant amends claim 22 to include the steps of “analyzing the signal to determine if the communication device has control data for operating the accessory”, and “receiving, responsive to the analyzing step, new control data”. Also, the amended method includes “using the new control data”. For similar reasons as presented in the discussion of claim 1 above, the applicant respectfully submits that Hutchinson fails to disclose all limitations recited in claim 22, therefore claim 22 and its dependent claims can not be anticipated by Hutchinson.

Applicant amends claim 26 to include “means for receiving control data from the accessory”. For the reasons similar to those presented in the discussion of claim 1 above, the applicant respectfully submits that Hutchinson fails to disclose all limitations recited in claim 26, therefore claim 26 and its dependent claims can not be anticipated by Hutchinson.

CONCLUSION

Applicant respectfully submits that pending claims 1-28 are now in a condition for allowance. If the Examiner would find it useful, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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